



SECTION 29.0 RESCINDING A BINDING LOT AGREEMENT

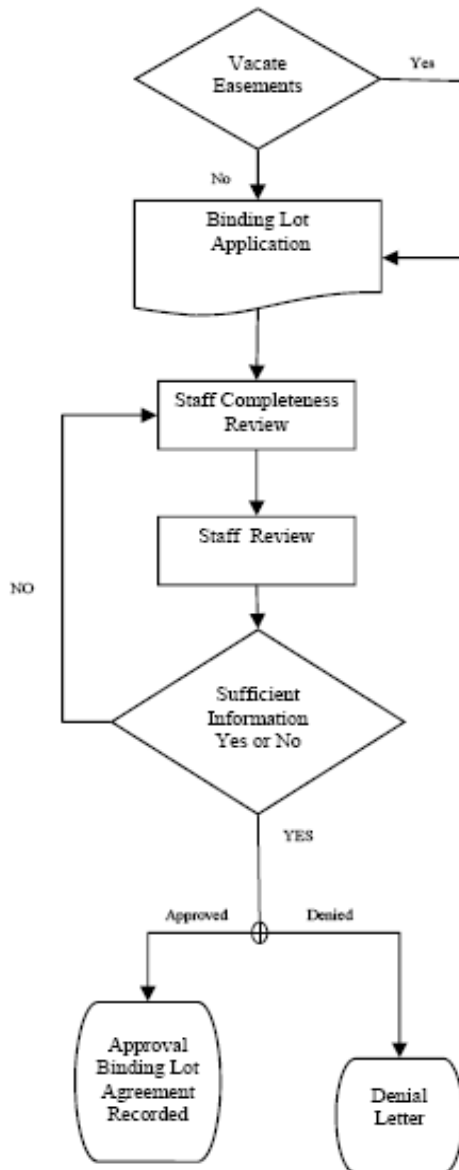
Section 29.01 Purpose

This section describes the process in order to rescind a 'binding lot agreement'. The owner(s) of the lots bound together through the 'Binding Lot Agreement' process may decide that the purpose for consolidating the lots no longer exists. However, the Planning Manager may determine it necessary for the property owner to provide an easement for a specific purpose. If that is the case, it shall be the responsibility of the Applicant to submit such document(s) for review and approval prior to having the document recorded in the Flagler County Clerk's Office. Be advised that applying to rescind a "Binding Lot Agreement" does not guarantee approval.

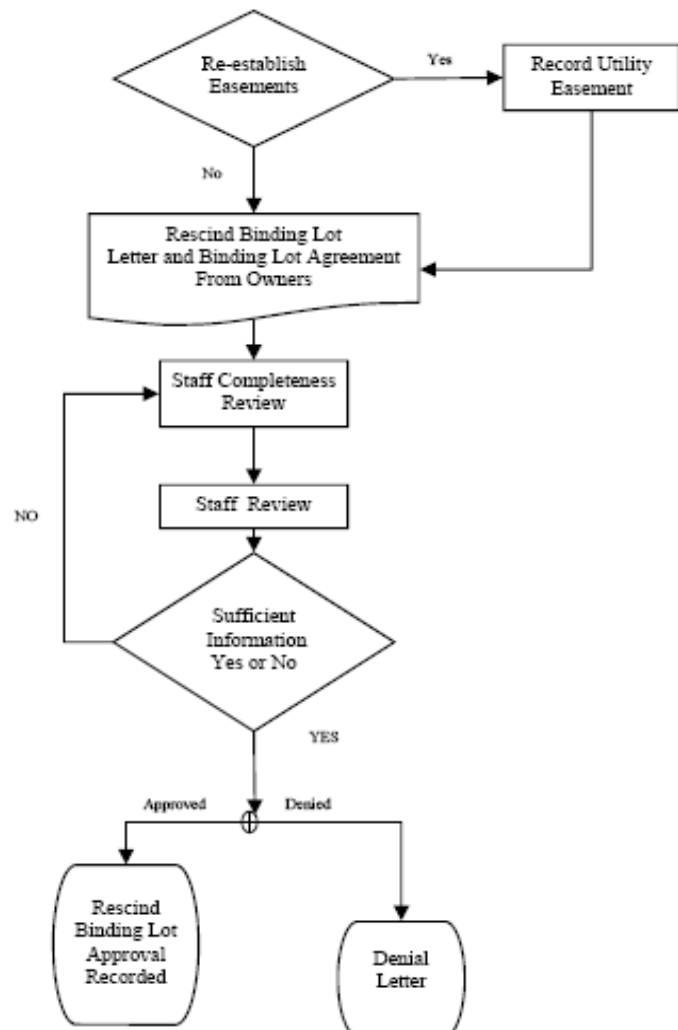
Section 29.02 Application Process

- A. The Applicant shall submit a complete [application package](#) to the City. A meeting with City Staff is recommended for submittal of the application package.
- B. Per [subsection 2.05.04](#) of the [Unified Land Development Code \(LDC\)](#), the application package will undergo a completeness review by the City.
- C. Upon acceptance, the application package will be reviewed for compliance.
- D. The City will contact the Applicant to pick up the approved document, as well as any other forms requiring recordation, and take to the Flagler County Clerk's Office for recording purposes upon satisfying compliance review. The Applicant is responsible for payment of all fees associated with the recording costs.

Binding Lot



Rescinding Binding Lot





RESCISSION OF BINDING LOT AGREEMENT

CD Plus Application #: _____ Application Submittal Date: _____
Fee Paid: \$ _____ Date of Acceptance: _____
Employee Name Accepting Application (print name): _____
Rejected on _____ Rejected by: _____
Reason for Rejection: _____

OWNER'S NAME(S): _____

MAILING ADDRESS: _____

PHONE #: _____ FAX #: _____ E-MAIL ADDRESS: _____

LOCATION (E-911 STREET ADDRESS): _____

PROPERTY APPRAISER'S PARCEL #(s): _____

LEGAL DESCRIPTION (AS DESCRIBED ON WARRANTY DEED): _____

APPLICATION REQUEST (MAY ATTACH ADDITIONAL SHEETS): _____

LIST BELOW ANY APPLICATIONS CURRENTLY UNDER REVIEW OR RECENTLY APPROVED THAT MAY ASSIST IN THE REVIEW OF THIS APPLICATION:

BINDING LOT AGREEMENT CASE #: _____ OR BOOK _____, PAGE # _____

ANY STRUCTURES PLACED ON THE PROPERTY SINCE THE BINDING LOT AGREEMENT? ☐ Yes ☐ No

ARE THERE ANY MORTGAGE HOLDERS FOR THE PROPERTY? ☐ Yes ☐ No

IF YES, PROVIDE NAME, MAILING ADDRESS, TELEPHONE # AND E-MAIL ADDRESS BELOW:

MORTGAGE HOLDER'S NAME: _____

MAILING ADDRESS: _____

PHONE #: _____ FAX #: _____ E-MAIL ADDRESS: _____

I HEREBY CERTIFY THAT ALL INFORMATION ON THIS APPLICATION IS CORRECT:

Signature of owner(s)

Signature(s) _____

Printed or typed name(s): _____

NOTARY: This instrument was acknowledged before me on this _____ day of _____, 20____ by

_____ who is/are personally known to me, or who has/have produced

_____ as identification.

Signature of Notary Public, State of Florida

(SEAL)



RESCISSION OF A BINDING LOT AGREEMENT APPLICATION SUBMITTAL CHECKLIST

☐ = Mandatory ☐ = as applicable ☐ = sub items

The following checklist is a tool to facilitate compliance for the submittal package. Place a check in each symbol below to indicate that the item has been addressed. As indicated in the above key legend, an item with a square indicates the item is mandatory, while the triangle indicates it may or may not be applicable. If applicable, then the item is mandatory.

At a minimum, the documents listed below are required to process a request to rescind a binding lot agreement. This checklist **must** be completed by the Applicant **and** included in the application submittal package. If a required document is not provided then a statement justifying the action is to be submitted, which will be taken into consideration. In addition, supplemental information may be requested for the purpose of clarity or confirmation. Any questions regarding the rescission of bound lots should be directed to a zoning technician at 386-986-3751.

- ☐ A. Completed [application form](#) signed by **all** property owners and all signatures **notarized**.
- ☐ B. If a mortgage exists on the property, provide a notarized affidavit from the mortgage lender authorizing the request to rescind the 'binding lot agreement'.
- ☐ C. Letter from property owner [requesting rescission of the binding lot agreement](#).
- ☐ D. [Rescission Affidavit](#) signed by **all** property owners and notarized.
- ☐ E. Copy of the original Binding Lot Agreement.
- ☐ F. Title opinion:
 - ☐ 1. Prepared by an attorney at law licensed to practice in Florida or a certification by an abstractor or a title company.
 - ☐ 2. Shows that record title to the land as described and shown on the survey is in the name of the person, persons, corporation, or entity wanting the division.
 - ☐ 3. List all mortgages not satisfied or released of record nor otherwise terminated by law.
 - ☐ 4. List all encumbrances (i.e. easements, etc.) on the subject property.
 - ☐ 5. Current (within six (6) months of the date of application submittal).
- ☐ G. Provide a current survey prepared by a Florida licensed registered land surveyor depicting the following:
 - ☐ 1. Contains the legal description and total acreage of the subject property.
 - ☐ 2. Completed with the benefit of the title opinion (same as title opinion included with the application package) that states it is current.
 - ☐ 3. Surveyor's certificate of accuracy.
 - ☐ 4. All existing on-site or adjacent easements, including drainage, electricity, gas, water, wastewater, or other pipeline or utility easements.
 - ☐ 5. All existing on-site improvements, including buildings, structures, drainage facilities, or other utilities.
 - ☐ 6. All wetlands.
 - ☐ 7. Flood Insurance Rate Map (FIRM) information: community panel number, date, and flood zone(s). Flood zone boundary shall be depicted.
 - ☐ 8. Streets adjacent to the tract, including rights-of-ways and pavement widths.
- ☐ H. Affidavit from the surveyor that **no** changes have been made to the property since the date of the survey.
- ☐ I. Nonrefundable filing fee: \$50 (payable to 'City of Palm Coast').



AFFIDAVIT OF CORPORATE IDENTITY / AUTHORITY

STATE OF _____

COUNTY OF _____

COMES NOW, _____, being first duly sworn, who deposes and says:

(1) That he/she is the _____, an officer of _____ corporation existing under the laws of the State of _____.

(2) That he/she is authorized to execute the following deeds or instruments on behalf of the above named corporation: _____ relating to the following described real property:

(3) That this affidavit is made to induce the City of Palm Coast to accept the above described property.

Signature of owner OR person authorized to represent this application

Signature

Print name

Signature

Print name

NOTARY: This instrument was acknowledged before me on this _____ day of _____, 20____ by _____ who is/are personally known to me, or who has/have produced _____ as identification.

(SEAL)

Signature of Notary Public, State of Florida



JOINDER AND CONSENT AFFIDAVIT

JOINDER AND CONSENT BY _____
Name of Lending Institution / Mortgage Holder

COME NOW, _____ and Joins and Consents to the
covenants and conditions set forth herein and hereunto sets his hand and seal this ____ day
of _____, 20__.

ATTEST:

Name of Lending Institution

Corporate Secretary

Corporate President

Printed Name

Printed Name

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by
_____, who is/are personally known to me or who
has produced _____ as identification and who did execute said
instrument for the purpose therein expressed.

WITNESS my hand and official seal the day month and year aforesaid.

NOTARY PUBLIC (SEAL)

NOTARY PUBLIC SIGNATURE



SAMPLE LETTER
FOR RESCINDING A BINDING LOT AGREEMENT
(LETTER TO BE ON A SHEET OF PAPER WITH OWNER'S LETTERHEAD)

DATE

City of Palm Coast
Attn: Planning Manager
160 Cypress Point Parkway Suite B-106
Palm Coast, FL 32164

Re: PROPERTY DESCRIPTION
PARCEL NUMBERS

Dear Planning Manager:

I / We, the owner(s) of the above referenced property description and parcel numbers, which are tied together with a Binding Lot Agreement as recorded in Official Records Book _____, Page(s) _____, in the public records of the Flagler County Courthouse, Flagler County, Florida, would like the Binding Lot Agreement to be rescinded by the City of Palm Coast.

Sincerely,

NAME
ADDRESS
PHONE NUMBER

S A M P L E
O N L Y



Affidavit for Rescission of Binding Lot Agreement

I / We, the property owner(s) of parcels _____ request to rescind the Binding Lot Agreement and do hereby affirm that since the date of the survey no structures have been added to or removed from the property.

Owner Name _____ Signature _____

Owner Name _____ Signature _____

Owner Name _____ Signature _____

Owner Name _____ Signature _____

STATE OF FLORIDA

COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this _____ day, 20____, by _____, who are personally known to me or who has produced _____, as identification and who did execute said instrument for the purpose therein expressed.

WITNESS my hand and official seal the day month and year aforesaid.

(SEAL)

NOTARY PUBLIC